

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOHN E. ERICKSON; SHELLEY A.
ERICKSON; SHELLEY'S TOTAL BODY
WORKS DAY SPA/SHELLEY'S SUNTAN
PARLOR,

Plaintiffs,

v.

LONG BEACH MORTGAGE CO.;
WASHINGTON MUTUAL BANK;
CHASE BANK; DEUTSCHE BANK
NATIONAL TRUST COMPANY,

Defendants.

No. 2:10-CV-01423-SAB

**ORDER DISMISSING
MOTIONS FOR
RECONSIDERATION**

Before the Court are Plaintiffs' Motions for Reconsideration, ECF Nos. 128 and 130. Plaintiffs are represented *pro se*. Defendants are represented by Fred B. Burnside and Joshua A. Rataezyk. The motions were considered without oral argument.

Reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). A motion for

ORDER DISMISSING MOTIONS FOR RECONSIDERATION # 1

1 reconsideration may be reviewed under either Federal Rule of Civil Procedure
2 59(e) (motion to alter or amend a judgment) or 60(b) (relief from judgment). *Sch.*
3 *Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “A district court
4 may properly reconsider its decision if it ‘(1) is presented with newly discovered
5 evidence, (2) committed clear error or the initial decision was manifestly unjust, or
6 (3) if there is an intervening change in controlling law.’” *Smith v. Clark Cnty. Sch.*
7 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263).

8 “There may also be other, highly unusual, circumstances warranting
9 reconsideration.” *Sch. Dist. No. 1J*, 5 F.3d at 1263. Whether to grant a motion for
10 reconsideration is within the sound discretion of the court. *Navajo Nation v.*
11 *Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th
12 Cir. 2003).

13 Plaintiffs did not meet the standard for reconsideration outlined in case law.
14 Plaintiffs’ briefing is somewhat difficult to follow, but in the end, it provides no
15 new evidence, it does not show clear error or a decision that is manifestly unjust,
16 and there is no intervening change in controlling law on this matter. Being fully
17 informed, the Court denies both motions.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiffs' Motions for Reconsideration, ECF No. 128, and ECF No.
3 130, are **DENIED**.

4 2. The case remains closed.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
6 forward copies to counsel, and **close** the file.

7 **DATED** this 14th day of February 2024.

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11 Stanley A. Bastian
12 United States District Judge
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